

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

SABINE SIMMONS,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO.
) 2:18cv640-MHT
) (WO)
ALABAMA STATE UNIVERSITY)
and LEON C. WILSON,)
)
Defendants.)

ORDER

It is ORDERED that plaintiff's appeal (Doc. 46) of the order of the United Magistrate Judge denying plaintiff's motion to compel the deposition of Cheryl Easly is denied, and the order denying the motion to compel (Doc. 45) is affirmed.

Plaintiff complains that, in the order denying the motion to compel, the magistrate judge inaccurately stated that plaintiff had not moved to extend the discovery deadline; the motion to compel (Doc. 40) contained in its final sentence an alternative request

to extend the discovery deadline to allow for Easly's deposition. However, plaintiff's alternative request for an extension of time does not render the magistrate judge's decision erroneous. (The court notes that the magistrate judge's oversight was understandable given that the extension request was mentioned only in the last sentence of the motion to compel rather than properly filed as a separate motion to extend the discovery deadline or at least noted in the title of the document).

The court will take up the issue of whether to extend the discovery deadline separately.

DONE, this the 5th day of April, 2021.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE